

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**UNITED STATES OF AMERICA**

Plaintiff,

Case No. 1:09-cr-30045-MC-1

v.

ORDER

**ISMAEL ANAYA,**

Defendant.

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**MCSHANE, Judge:**

Defendant Ismael Anaya and the United States move to reduce Anaya's sentence under 18 U.S.C. § 3582(c)(1)(A)(i). ECF No. 138. The Court agrees that "extraordinary and compelling" reasons justify reducing the sentence and the Emergency Motion to Reduce Sentence, ECF No. 411, is GRANTED.

While the underlying offense was a very serious offense, Mr. Anaya is not a career criminal. Prior to this offense, Mr. Anaya's criminal history consists of two misdemeanors. The underlying drug offense has no allegations of violence. Mr. Anaya has served 168 months of his 188-month sentence. Mr. Anaya has completed 80 rehabilitative and educational programs during those 168 months. He works as the head orderly of his prison unit and has consistently received outstanding work evaluations.

Mr. Anaya is also at a high risk of COVID-19 and although he contracted COVID-19 nearly one year ago, he still suffers lingering symptoms including fatigue, difficulty breathing, and memory problems.

Given the above, extraordinary and compelling reasons warrant a reduction of Mr. Anaya's sentence to time served. The Court adds a special condition of supervised release that Mr. Anaya reside at and participate in the program of a residential reentry center for not more than 180 days, to be released at the direction of his probation officer. All other terms and conditions of the original judgment (ECF No. 200), as amended in 2018 (ECF No. 360) remain in effect, including the five-year term of supervised release. These conditions serve the purposes of federal sentencing set forth in 18 U.S.C. § 3553(a). Implementation of the amended judgment is delayed for 10 days as Mr. Anaya will need to be placed in a residential reentry center.

IT IS SO ORDERED.

DATED this 6th day of October, 2021.

/s Michael McShane  
Michael J. McShane  
United States District Judge